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12 United States of America
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15 IN THE UNITED STATES DISTRICT COURT
16
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 AUSTREBERTO SANTAMARIA
22 VALENCIA,

23 Defendant.

24 CASE NO. 3:21-MJ-00003-DMC

25 STIPULATION FOR EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(d) AND EXCLUSION OF TIME

26 DATE: April 21, 2021
TIME: 2:00 p.m.
COURT: Hon. Allison Claire

27 Plaintiff United States of America, by and through its attorney of record, Assistant United States
28 Attorney JAMES R. CONOLLY, and defendant AUSTREBERTO SANTAMARIA VALENCIA, both
individually and by and through his counsel of record, MATTHEW C. SMITH, hereby stipulate as
follows:

1. The Complaint in this case was filed on April 2, 2021, and defendant first appeared
before a judicial officer of the Court in which the charges in this case were pending on April 7, 2021.
The court set a preliminary hearing date of April 21, 2021.

2. By this stipulation, the parties jointly move for an extension of time of the preliminary
hearing date to April 29, 2021, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of
the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the
defense reasonable time for preparation, and for the government's continuing investigation of the case.
The parties further agree that the interests of justice served by granting this continuance outweigh the

1 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2 3. The parties agree that good cause exists for the extension of time, and that the extension
3 of time would not adversely affect the public interest in the prompt disposition of criminal cases.
4 Therefore, the parties request that the time between April 21, 2021, and April 29, 2021, be excluded
5 pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

6

7 IT IS SO STIPULATED.

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9 Dated: April 12, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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/s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney

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Dated: April 12, 2021

/s/ MATTHEW C. SMITH
MATTHEW C. SMITH
Counsel for Defendant
AUSTREBERTO
SANTAMARIA VALENCIA

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 v.
19 AUSTREBERTO SANTAMARIA
20 VALENCIA,
21 Defendant.

22 CASE NO. 3:21-MJ-0003-DMC

23 [PROPOSED] FINDINGS AND ORDER
24 EXTENDING TIME FOR PRELIMINARY
25 HEARING PURSUANT TO RULE 5.1(d) AND
26 EXCLUDING TIME

27 DATE: April 21, 2021
28 TIME: 2:00 p.m.
COURT: Hon. Allison Claire

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30 The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing
31 Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on April 12, 2021. The
32 Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order,
33 demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule
34 5.1(d) of the Federal Rules of Criminal Procedure.

35 Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests
36 of justice served by granting this continuance outweigh the best interests of the public and the defendant
37 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would
38 not adversely affect the public interest in the prompt disposition of criminal cases.

39 THEREFORE, FOR GOOD CAUSE SHOWN:

40 1. The date of the preliminary hearing is extended to April 29, 2021, at 2:00 p.m.

2. The time between April 21, 2021, and April 29, 2021, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).

3. Defendants shall appear at that date and time before the Magistrate Judge on duty.

IT IS SO ORDERED.

Dated: April 16, 2021

The Honorable Jeremy D. Peterson
UNITED STATES MAGISTRATE JUDGE